

IN RE: PETITION FOR ADMIN. VARIANCE
SE/Cor. Stengel and Kimmel Aves.
(1401 Stengel Avenue)
12th Election District
7th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

Austin F. Weber, Sr., et ux
Petitioners

* Case No. 93-95-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Austin F., Jr. and Estelle R. Weber. The Petitioners request relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street building line setback of 0 feet in lieu of the required 25 feet for a proposed attached garage in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of October, 1992 that the Petition for Administrative Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street building line setback of 0 feet in lieu of the required 25 feet for a proposed attached garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed garage addition to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) There shall be no service work performed inside the garage.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

- 2 -

Baltimore County Department of
Zoning Administration & Development
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

October 23, 1992

(410) 887-486

Mr. & Mrs. Austin F. Weber, Sr.
1401 Stengel Avenue
Baltimore, Maryland 21222

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/Corner Stengel and Kimmel Avenues
1401 Stengel Avenue)
12th Election District - 7th Councilmanic District
Austin F. Weber, Sr., et ux - Petitioners
Case No. 93-95-A

Dear Mr. & Mrs. Weber:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1401 Stengel Ave

which is presently zoned R-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street building line setback of 0 feet in lieu of the required 25 feet for a proposed attached garage in accordance with Petitioner's Exhibit 1.

Property is to be posted and advertised as prescribed by Zoning Regulations 1, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition and further agree to, and are to be bound by the zoning regulations and restrictions of Baltimore County applicable pursuant to the Zoning Law for Baltimore County.

Contract Purchaser Name: Austin F. Weber, Sr.
Type or Print Name: Austin F. Weber, Sr.
Signature: [Signature]
Address: 1401 Stengel Ave
City: Baltimore, MD 21222
State: MD
Zip: 21222
Name Address and phone number of legal owner (other than petitioner) to be contacted: Estelle R. Weber
Name: Estelle R. Weber
Address: 1401 Stengel Ave
City: Baltimore, MD 21222
State: MD
Zip: 21222
Phone No: 235-8716

A Public Hearing having been requested and/or found to be required it is ordered by the Zoning Commissioner that the property be posted and advertised as prescribed by Zoning Regulations 1, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition and further agree to, and are to be bound by the zoning regulations and restrictions of Baltimore County applicable pursuant to the Zoning Law for Baltimore County.

REVIEWED BY: JCM
DATE: 9-16-92
ESTIMATED POSTING DATE: 9/15/92

ITEM #: 102

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 1401 Stengel Ave

Baltimore MD 21222

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

OVER THE PAST FEW YEARS, OUR VEHICLES HAVE BEEN VANDALIZED (ASID ON PAINT, TIRES FLAT, AND NUMEROUS ARTICLES STOLEN) WE OPERATE A HOME IMPROVEMENT BUSINESS AND HAVE A KENICU WITH VARIOUS LADDERS, SAWS, HAND TOOLS ETC ON IT, WHICH ALSO HAS BEEN VANDALIZED, CAUSING THOUSANDS OF DOLLARS IN LOSSES OVER THE PAST FEW YEARS. WE BOTH ARE SENIOR CITIZENS, WITH TODAY'S STREET SCENE WE WOULD FEEL SAFE ENTERING AND EXITING OUR VEHICLES IN A CONTROLLED ENVIRONMENT.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature: [Signature]
Type or Print Name: [Name]

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of September, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

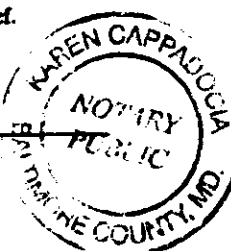
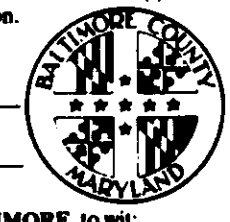
Austin F. Weber, Sr. & Estelle R. Weber

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9-16-92

My Commission Expires: 2-1-96



93-95-A 102
THE LOCATION OF THE GARAGE WAS CHOSEN BY A PROCESS OF ELIMINATION. THE PROPOSED LOCATION SIDE OF HOUSE IS THE DINING ROOM, LIVING ROOM/FAMILY ROOM SIDE OF THE HOUSE. ENTRY INTO THE HOUSE IS EASILY OBTAINED AND PRACTICAL. KIMMEL AVE IS THE MINOR ROAD GIVING US ACCESS TO THE GARAGE FROM THE STREET. ON THE OPPOSITE SIDE OF HOUSE (FROM PROPOSED LOCATION SIDE) THERE IS A 4' DROP IN THE GRADE WHICH WOULD MAKE IT VERY DIFFICULT TO CONSTRUCT A GARAGE. WE WOULD NOT HAVE EASY ACCESS TO THE HOUSE, 2 BEDRMS. AND A BATHROOM ARE LOCATED ON THAT SIDE. THE REAR OF THE HOUSE HAS AN EXISTING 3' CEMENT PORCH 8' X 26' (COVERED). BASEMENT OUTSIDE ENTRANCE, BDR RM AND KITCHEN ARE LOCATED AT THE REAR SIDE OF THE HOUSE.

Austin F. Weber, Sr.

Estelle R. Weber

August 7, 1992

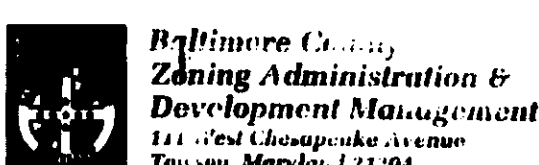
1401 Stengel Avenue
Lots 85,86,87 7 88, Kimberly farms, 7/127
12th District Baltimore County, Maryland

Beginning for the same at the southeast corner of Stengel and Kimmel Avenues as laid out and shown on the plat of Kimberly Farms, said plat being recorded among the land records of Baltimore County in Plat Book 7 folio 127; thence binding on the east side of Stengel Avenue South 21 degrees 18 minutes West 100 feet, thence running for two lines of division as follows: South 68 degrees 02 minutes East 120 feet and North 21 degrees 58 minutes East 70 feet to the south side of Kimmel Avenue, thence binding on the south side thereof North 54 degrees 00 minutes West 123.69 feet to the place of beginning.

Containing 0.23 acres of land more or less.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 12th
Date of Posting: 9/16/92
Posted for: Variance
Petitioner: Austin F. Weber, Sr.
Location of property: 1401 Stengel Ave
Location of signs: 1401 Stengel Ave
Remarks: [Signature]
Posted by: [Signature]
Date of return: 9/16/92
Number of Signs: 1



receipt

Account # 001 6150

Number

9/16/92

PUBLIC HEARING FEES

000 - POSTING VARIABLE CHARGE

000 - POSTING SIGNS / ADVERTISING

LAST NAME OF OBJECT DEBTER

UNADJUDICATED

EA 003-03909-16-92

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
October 21, 1992
Mr. and Mrs. Austin F. Weber, Sr.
1401 Stengel Avenue
Baltimore, MD 21222
RE: Item No. 102, Case No. 93-95-A
Petitioner: Austin F. Weber, Sr., et ux
Petition for Administrative Variance
Dear Mr. and Mrs. Weber:
The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.
Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.
The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.
1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
Your petition has been received and accepted for filing this 16th day of September, 1992.
ARNOLD JABLON
DIRECTOR
Received By:
W. Carl Ribich
Chairman,
Zoning Plans Advisory Committee
Petitioner: Austin F. Weber, Sr., et ux
Petitioner's Attorney:

RECEIVED
OCT 5 1992
ZONING OFFICE

SHA Maryland Department of Transportation
State Highway Administration
O. James Lighthizer
Secretary
Hal Kassoff
Administrator
Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
Re: Baltimore County
Item No.: # 102 (JCM)
Dear Ms. Winiarski:
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.
Please contact David Ramsey at 410-333-1350 if you have any questions.
Thank you for the opportunity to review this item.
Very truly yours,
David Ramsey
John Contestabile, Chief
Engineering Access Permits
Division
My telephone number is
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: September 30, 1992
FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section
SUBJECT: Petitions from Zoning Advisory Committee
September 28, 1992
The Office of Planning and Zoning has no comments on the following petition(s):
Kurt and Denise Zumwalt, Item No. 92 ✓
Austin and Estelle Weber, Item No. 102 ✓
Franklin and Ann Mae Sumpter, Item No. 103 ✓
The Decker Group, Item No. 104 ✓
Michael and Lori Greco, Item No. 105 ✓
If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.
Prepared by: Francis Morsey
Division Chief: Ervin McDaniel
EMcD/FM:rdn
RECEIVED
OCT 5 1992
ZONING OFFICE
ITEM#92.105/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND
DATE: September 30, 1992
TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments
Z.A.C. MEETING DATE: September 28, 1992
ITEM NUMBER: 102
1) 350 ft. sight lines along Kimmel Avenue need to be shown.
2) Sight lines are to be drawn from the centerline of the proposed access at a point 10 ft. behind the extension of the main road curb line to the center line of the nearest approach lane on the main road.
3) All subsequent plans must note that the areas between the sight line and the curb line must be cleared, graded, and kept free of any obstructions.
4) It appears the proposed structure will block available sight distance. Therefore the proposed garage needs to be moved to the other side of the existing house.
Rahee J. Famili
Traffic Engineer II
RJF/lvd
RECEIVED
OCT 5 1992
ZONING OFFICE

Department of Environmental Protection & Resource Management
Development Review Committee
Authorized signature: [Signature] Date: 10/05/92
Project Name
File Number Waiver Number Zoning Issue Meeting Date
Claude N. and Gee Gee Z. Pfeffer 96 8/14/92
DEPRM
COUNT 4
Michael and Patricia Perholtz 71 8/31/92
DEPRM
COUNT 1
✓ Austin F. and Estelle R. Weber 102 9-28-92
DED DEPRM RP STP TE No comments
✓ Franklin Ray and Ann Mae Sumpter 103 No comments
DED DEPRM RP STP TE
✓ Richard A. Robert T. and Emily C. Baker 104 No comments
DED DEPRM RP STP TE
Michael J. and Lori Greco 105 in process
DED DEPRM RP STP TE
Sudbrook Associates 106 in process
DED DEPRM RP STP TE
Philip M. and Sandra L. Cowett 108 No comments
DED DEPRM RP STP TE
Gaetano Platania 91 in process
DED DEPRM RP STP TE
Kurt D. and Denise E. Zumwalt 92 No comments
DED DEPRM RP STP TE
COUNT 8
RECEIVED
OCT 5 1992
ZONING OFFICE

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21204-5500
(410) 887-4500
OCTOBER 19, 1992
Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
RE: Property Owner: AUSTIN F. WEBER, SR. AND ESTELLE R. WEBER
Location: #1401 STENGEL AVENUE
Item No.: *102 (JCM) Zoning Agenda: SEPTEMBER 28, 1992
Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.
REVIEWER: [Signature]
Planning Group
Special Inspection Division
JP/KEK

